

MERRILL LYNCH BUSINESS FINANCIAL SERVICES INC.

Index #: 07 CV 3900 (DANIELS)

Plaintiff(s)

- against -

Date Filed:

WELKO, INC., ETAL

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

BYRAN E. MCELDERRY BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION AND OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on May 21, 2007 at 07:23 PM at

350 EAST 79TH STREET, APT. 36B
NEW YORK, NY 10021

deponent served the within true copy/copies of the SUMMONS & COMPLAINT, CIVIL COVER SHEET, RULE 7.1 STATEMENT, JUDGES' RULES on SAM KOHL, the defendant/respondent therein named,

**SUITABLE
AGE**

by delivering thereat a true copy/copies of each to MR. SMITH, REFUSED TRUE NAME a person of suitable age and discretion. Said premises is the defendant's/respondent's dwelling house within the state. He identified himself as the DOORMAN of the defendant/respondent.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx)
MALE	BLACK	BLACK	40	5'9	175

MAILING

Deponent enclosed a true copy/copies of same in a postpaid wrapper properly addressed to the defendant/respondent at the defendant's/respondent's last known residence at

350 EAST 79TH STREET, APT. 36B
NEW YORK, NY 10021

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on May 22, 2007 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside envelope thereof, by return address or otherwise that the communication is from an attorney or concerns an action against the party to be served.


DOORMAN / CONCIERGE / SECURITY REFUSED TO ALLOW DEPONENT ACCESS INTO SAID BUILDING.

**MILITARY
SERVICE**

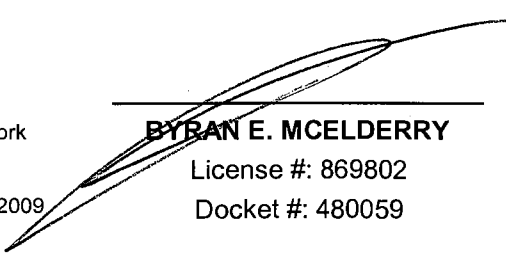
Person spoken to was asked whether the defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

Sworn to me on: May 22, 2007

Linda Forman
Notary Public, State of New York
No. 01FO5031305
Qualified in New York County
Commission Expires August 1, 2010


Robin M. Forman
Notary Public, State of New York
No. 01FO6125415
Qualified in New York County
Commission Expires April 18, 2009

Larry Yee
Notary Public, State of New York
No. 01YE5015682
Qualified in New York County
Commission Expires July 26, 2009


BYRAN E. MCELDERRY
License #: 869802
Docket #: 480059

United States District Court**Southern****DISTRICT OF****New York**

Merrill Lynch Business Financial Services Inc.

SUMMONS IN A CIVIL CASE**V.**

CASE NUMBER:

Welko, Inc., Sam Kohl, Caren Kohl, and "John Doe
#1" through "John Doe #12"**07 CV 3900**

TO: (Name and address of defendant)

Sam Kohl, 350 E. 79th Street, Apt. 36B, New York, NY 10021

JUDGE DANIELS**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

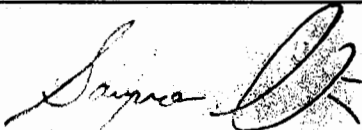
Spencer L. Schneider, Esq., 70 Lafayette Street, New York, NY 10013

an answer to the complaint which is herewith served upon you, within Twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON**MAY 18 2007**

CLERK

DATE



(BY) DEPUTY CLERK